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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,447	12/17/2001	Jussi Kuisma	836-010675-US(PAR)	5685
2512	7590	02/09/2005	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824				MEUCCI, MICHAEL D
ART UNIT		PAPER NUMBER		
2142				

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/023,447	KUISMA ET AL.
	Examiner Michael D Meucci	Art Unit 2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 17 December 2001.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-10 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-10 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 17 December 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>Multiple</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 20002809, filed on 20 December 2000.

### ***Specification***

2. The abstract of the disclosure is objected to because it contains reference numbers, exceeds the 150-word limit, and improperly contains the text "Figure 1" below the text of the abstract. Correction is required. See MPEP § 608.01(b).

3. The phrase "What is claimed is:" should precede the claims.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 2 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is impossible for the terminal to know whether or not the MMSC has sent a notification message in response to the first message requesting notification. Without some sort of

notification to the terminal that the notification message has been sent by the MMSC, there is no way of determining, at the terminal, if a notification message has been sent by the MMSC. Clarification is required.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 5 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear to the examiner what is meant to be disclosed by "the fourth message containing the multimedia message the desire to fetch of which the terminal has indicated in said third message," in lines 6-8 of the claim. The examiner presumes the applicant desires to disclose sending a fourth message containing the multimedia message that the terminal desired to fetch as requested in the third message. For the purpose of applying art, the examiner will presume the applicant meant to specify --the fourth message containing the multimedia message which the terminal desires to fetch as indicated in said third message--. Clarification of the claim is required.

8. Claims 8-10 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear to the examiner whether the text enclosed in parenthesis is meant to be disclosed. Removal of parenthesis and further explanation is required.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

10. Claims 1, 3-5, and 7-10 rejected under 35 U.S.C. 102(a) as being anticipated by "3<sup>rd</sup> Generation Partnership Project; Technical Specification Group Terminals; Multimedia Messaging Service (MMS); Functional Description; Stage 2, (3G TS 123.140 version 1.0.0)" hereinafter referred to as 3GPP.

a. As per claims 1, 9, and 10, 3GPP teaches: transmitting a first message wirelessly from the terminal to the multimedia messaging centre, the first message requesting the multimedia messaging centre to transmit a notification message to the terminal on multimedia messages addressed to the terminal which have arrived at the multimedia messaging centre and on which the terminal has not received a notification message yet (section 8.3.3 on page 17, Figure 11 on page 19, and paragraphs 1-2 on page 20 under Annex A).

b. As per claim 3, 3GPP teaches: receiving the first message transmitted by the terminal at the multimedia messaging centre; determining at the multimedia messaging centre whether there are multimedia messages addressed to the terminal at the multimedia messaging centre on which the terminal has not received a notification message yet; transmitting a second message from the multimedia messaging centre to the terminal in response to the first message, the second message containing the

notification messages on said multimedia messages on which the terminal has not received a notification message yet (section 8.3.3 on page 17, Figure 11 on page 19, and paragraphs 1-2 on page 20 under Annex A).

c. As per claim 4, 3GPP teaches: receiving the second message at the terminal, which has been transmitted by the multimedia messaging service and contains said notification messages (Figure 11 on page 19 and paragraph 2 on page 20 under Annex A); transmitting a third message from the terminal to the multimedia messaging centre in response to said second message, the third message indicating to the multimedia messaging centre the terminal's desire to fetch the multimedia message on which a notification message was transmitted to the terminal in said second message (Figure 12 on page 20 and paragraph 3 on page 20 under Annex A).

d. As per claim 5, 3GPP teaches: receiving the third message transmitted by the terminal at the multimedia messaging centre; transmitting a fourth message from the multimedia messaging centre to the terminal in response to said third message, the fourth message containing the multimedia message the desire to fetch of which the terminal has indicated in said third message (Figure 12 on page 20 and paragraph 3 on page 20).

e. As per claim 7, 3GPP teaches: it is determined at the multimedia messaging centre whether the multimedia messaging centre has multimedia messages addressed to the terminal on which the terminal has not received a notification message by investigating whether the multimedia messaging centre has received an

acknowledgement to the notification message from the terminal (Figure 12 on page 20 and paragraph 3 on page 20 under Annex A).

f. As per claim 8, 3GPP teaches: means for receiving a first message transmitted by the terminal, the first message requesting the multimedia messaging centre to transmit a notification message to the terminal on multimedia messages addressed to the terminal which have arrived at the multimedia messaging centre and on which the terminal has not received a notification message yet (section 8.3.3 on page 17, Figure 11 on page 19, and paragraphs 1-2 on page 20 under Annex A); and means for determining whether there are multimedia messages addressed to the terminal at the multimedia messaging centre on which the terminal has not received a notification message yet (paragraphs 1-2 on page 23 and Figure 17 on page 23).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 6 rejected under 35 U.S.C. 103(a) as being unpatentable over 3GPP in view of Short et al. (U.S. 6,130,892) hereinafter referred to as Short.

As per claim 6, 3GPP fails to teach: the terminal and the multimedia messaging centre comprise a protocol stack and a multimedia application on top of it, and said first, second, third and fourth message are transmitted at the level of the multimedia

application, the messages then being independent of the implementation of the protocol stack below the multimedia application. However, Short discloses: "The translation of the packets is done not just at the physical, link, or network layer of the protocol stack but at the transport and application layers as well. This allows the network card, protocol stack, and application running on the host computer to be independent of the network environment and configuration," (line 64 of column 3 through line 2 of column 2).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have the terminal and the multimedia messaging centre comprise a protocol stack and a multimedia application on top of it, and said first, second, third and fourth message are transmitted at the level of the multimedia application, the messages then being independent of the implementation of the protocol stack below the multimedia application. "As an example of the communication device independence, the translation allows soft handoff, increased throughput, and fault tolerance by supporting multiple communication substrates. In addition, the nomadic router translation ability provides a flexible process for deploying enhanced nomadic and mobile computing software and services such as filtering of packets and determining which packets should be allowed to be transmitted between the mobile computer and the nomadic router or local area network (Internal Firewall)," (lines 3-12 in column 4 of Short).

It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have the terminal and the multimedia messaging centre comprise a protocol stack and a multimedia application on top of it,

and said first, second, third and fourth message are transmitted at the level of the multimedia application, the messages then being independent of the implementation of the protocol stack below the multimedia application in the system as taught by 3GPP.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Boaz et al. (U.S. 5,333,266) discloses method for message handling in computer systems.

Lahtinen (U.S. 5,351,235) discloses method for relaying information in an integrated services network.

Goldsmith et al: (U.S. 5,491,800) discloses object-oriented remote procedure call networking system.

ChaU et al. (U.S. 5,550,906) discloses telecommunications feature server.

Landante et al. (U.S. 5,555,017) discloses seamless multimedia conferencing system using enhanced multipoint control system.

Chau et al. (U.S. 5,764,750) discloses communicating between diverse communications environments.

Minear et al. (U.S. 5,983,350) discloses secure firewall supporting different levels of authentication based on address or encryption status.

Jacobson et al. (U.S. 6,044,402) discloses network connection blocker, and method for monitoring connections in a computer network and blocking the unwanted connections.

Killian (U.S. 6,064,671) discloses multi-homed end system for increasing computers network bandwidth.

Yano et al. (U.S. 6,088,737) discloses information processing system and control method thereof.

Rochberger (U.S. 6,310,877 B1) discloses method of connectionless message transfer in an asynchronous transfer mode network.

Jorgensen (U.S. 6,452,915 B1) discloses IP-flow classification in a wireless point to multi-point (PTMP) transmission system.

Weeren et al. (U.S. 6,501,956 B1) discloses providing blended interface for wireless information services.

Levy (U.S. 6,556,997 B1) discloses information retrieval system.

Sevanto et al. (U.S. 6,600,732 B1) discloses method and arrangement for transmitting multimedia-related information in a packet-switched cellular radio network.

Dusse et al. (U.S. 6,647,260 B2) discloses method facilitating web based provisioning of two-way mobile communications devices.

Barrus et al. (U.S. 6,693,652 B1) discloses system for automatic generation of visual representations and link in a hierarchical messaging system.

Dutta (U.S. 6,748,450 B1) discloses delayed delivery of web pages via e-mail or push techniques from an overloaded or partially functional web server.

Hogan et al. (U.S. 6,785,712 B1) discloses airborne e-mail data transfer protocol.

Sivula (U.S. 6,795,711 B1) discloses multimedia message content adaptation.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Meucci at (571) 272-3892. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey, can be reached at (571) 272-3896. The fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.meucci@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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